

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK and
THE BOARD OF EDUCATION FOR THE
CITY SCHOOL DISTRICT OF THE CITY
OF NEW YORK,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION and ELISABETH DEVOS,
*in her official capacity as the Secretary of
Education,*

Defendants.

No. 1:20-cv-04260-JGK

**PLAINTIFFS' NOTICE OF MOTION
(Fed. R. Civ. P. 65 and 5 U.S.C. § 705)**

PLEASE TAKE NOTICE that, under Federal Rule of Civil Procedure 65, Plaintiffs the State of New York and the Board of Education for the City School District of the City of New York respectfully move the Court for a preliminary injunction to enjoin Defendants from implementing, applying, or taking any action under the Final Rule, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020), to preserve the status quo until this case is decided on the merits and final judgment is entered.

Alternatively, under 5 U.S.C. § 705, Plaintiffs move for a stay postponing the effective date of the Final Rule until this case is decided on the merits and final judgment is entered.

In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law, the Declaration of Joseph Wardenski, the exhibits attached to that declaration, the pleadings and

papers on file in this action, and any argument and evidence that is presented on the hearing of this motion.

DATED: June 25, 2020

Respectfully submitted,

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